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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91206469
Party	Defendant Erdmann, Volker A., Prof. Dr.
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Date	09/05/2012
Attachments	Answer to Opposition.pdf ( 3 pages )(1226355 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

-----X	)	
Noxxon Pharma AG	)	
	)	Opposition No. 91206469
Opposer	)	
	)	Mark: SPIEGELZYME
vs.	)	
	)	Serial No. 85/381,804
Volker A. Erdmann	)	
	)	
Applicant	)	
-----X	X	

**ANSWER TO THE NOTICE OF OPPOSITION**

Applicant, Volker A. Erdman ("Applicant"), by its attorneys, hereby submits its Answer to the Notice of Opposition filed on August 8, 2012 by Opposer, Noxxon Pharma AG ("Opposer") as follows:

1. Applicant admits the allegations of Paragraph 1.
  
2. Applicant admits that Opposer is the owner of U.S. trademark No. 2,669,538 for the mark SPIEGELMER. Applicant is without knowledge or information sufficient to form a belief as the remainder of the allegations of Paragraph 2 and therefore denies same.
  
3. Applicant admits that the mark SPIEGELMER was registered in December 2002, for goods and services in International Classes 001 and 042. Applicant denies that Applicant's SPIEGELZYME mark so resembles Opposer's SPIEGELMER mark as to be likely to cause confusion, or to cause mistake or to deceive. Applicant is without knowledge or information sufficient to form a belief as the remainder of the allegations of Paragraph 3 and therefore denies same.

4. Applicant denies that Applicant's SPIEGELZYME mark so resembles Opposer's SPIEGELMER mark as to be likely to cause confusion, or to cause mistake or to deceive. Applicant is without knowledge or information sufficient to form a belief as the remainder of the allegations of Paragraph 4 (mistakenly numbered "3" in Opposer Notice of Opposition) and therefore denies same.

FURTHERMORE, Applicant further sets forth the following:

5. Applicant's SPIEGELZYME mark is unique and distinctive.

6. The wording in Applicant's SPIEGELZYME mark and Opposer's SPIEGELMER mark are different.

7. Applicant's SPIEGELZYME mark and Opposer's SPIEGELMER mark are different in sound.

8. Applicant's SPIEGELZYME mark and Opposer's SPIEGELMER mark are different in appearance.

9. Applicant's SPIEGELZYME mark and Opposer's SPIEGELMER mark are different in meaning.

10. Applicant's SPIEGELZYME mark and Opposer's SPIEGELMER mark connote different commercial impressions.

11. SPIEGEL is a German word that can be translated by "mirror".

12. Applicant's mark contains the suffix "ZYME" not present in Opposer's mark.

13. Opposer's mark contains the suffix "MER" not present in Applicant's mark.

14. SPIEGELZYME is a word coined by Applicant and which has no particular meaning in any commerce or industry.

15. Upon information and belief, a "spiegelmer" identifies an artificial nucleic acid being a mirror image of natural nucleic acids.

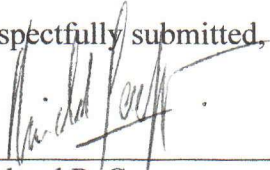
16. Upon information and belief, a "spiegelmer" is an RNA-like molecule built from L-ribose units and an artificial oligonucleotide.

17. Upon information and belief, in addition to uses by third parties, Opposer has actually used the term "spiegelmer" in a generic sense.

18. Upon information and belief, Applicant has not made proper and/or continued use of SPIEGELMER with respect to all goods in Class 001.

19. Upon information and belief, Applicant has not made proper and/or continued use of SPIEGELMER with respect to all services in Class 042.

WHEREFORE, Applicant respectfully requests that the Notice of Opposition be rejected and that Applicant's mark be allowed to proceed to registration.

Respectfully submitted,  
  
By: \_\_\_\_\_  
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